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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/438,365

11/12/1999

Yongliang Chu

61-03

9217

23713

7590

04/27/2005

GREENLEE WINNER AND SULLIVAN P C

4875 PEARL EAST CIRCLE

SUITE 200

BOULDER, CO 80301

EXAMINER

DAVIS, BRIAN J

ART UNIT

PAPER NUMBER

1621

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/438,365

Applicant(s)

CHU ET AL.

Examiner

Brian J. Davis

Art Unit

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 2/25/05 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) See Continuation Sheet is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date various (6).
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Continuation of Disposition of Claims: Claims pending in the application are 10,12-14,16-19,21-36,38,40,41,43,44,46,47,49-62,64-69,71-76,78-92,101,102,104,107-109,111,112,117-129,133,135,136 and 138-142.

Continuation of Disposition of Claims: Claims objected to are 10,12-14,16-19,21-36,38,40,41,43,44,46,47,49-62,64-69,71-76,78-92,101,102,104,107-109,111,112,117-129,133,135,136 and 138-142.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/25/05 has been entered.

### ***Information Disclosure Statement***

Due to the lengthy prosecution history and the unusually number of documents of record in the application, applicant's assistance is respectfully requested in determining if all submitted IDS forms have been initialed and returned. (Attached to this Office Action are 6 initialed forms.)

### ***Claim Objections***

Claims 10,12-14,16-19,21-36,38,40,41,43,44,46,47,49-62,64-69,71-76,78-92,101,102,104,107-109,111,112,117-129,133,135,136 and 138-142 (all pending claims) are objected to because of the following informalities: due to errors related to the transmission of applicant's FAXed amendment, the amendment is illegible in many, many instances. This is particularly true with regard to subscripted numbers and

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variables. The examiner respectfully suggests that if amendments are FAXED which include subscripts, written formulas, etc. that the point and typeface be selected appropriately, such that transmission errors do not interfere with legibility. Appropriate correction is required.

Claim 16 is additionally objected to because in the third line from the bottom, the numeral "1" should be deleted and the letter "l" inserted. This is in keeping with the diagram.

Claim 41 is also additionally objected to because in the phrase "D is Q or a bond" should be deleted and the phrase "D is O or a bond" inserted. (This is perhaps merely and instance of the illegibility mentioned above.)

Applicant's assistance is respectfully requested in correcting any other minor errors that may be present in the claims.

#### ***Clarification/Disposition***

All rejections have been overcome or withdrawn for reasons of record.

#### ***Allowable Subject Matter***

Claims 10,12-14,16-19,21-36,38,40,41,43,44,46,47,49-62,64-69,71-76,78-92,101,102,104,107-109,111,112,117-129,133,135,136 and 138-142 would be allowable once the objections outlined above have been overcome.

### ***Conclusion***

This application is in condition for allowance except for the following formal matters: the objections outlined above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Davis whose telephone number is 571-272-0638. The examiner can normally be reached on 8:30-5:00.

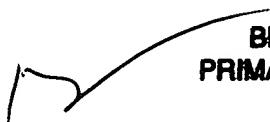
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Brian J. Davis', with a long, sweeping horizontal stroke extending to the right.

**BRIAN DAVIS**  
**PRIMARY EXAMINER**

Brian J. Davis  
April 25, 2005